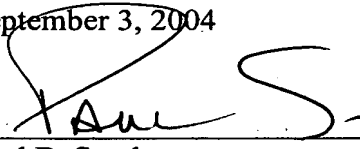




PATENT
Attorney Docket No. 30320/17231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. Subramoney et al.	)	I hereby certify that this paper is being
	)	deposited with the United States Postal
Serial No. 10/749,425	)	Service as first class mail, postage
	)	prepaid, in an envelope addressed to:
Filed: December 31, 2003	)	MS Missing Parts, Commissioner for
	)	Patents, P.O. Box 1450, Alexandria,
For: Dynamic Performance	)	VA 22313-1450 on this date:
Monitoring-Based Approach to)	
Memory Management	)	September 3, 2004
)	
Group Art Unit: Not yet assigned)	
	)	Paul B. Stephens
Examiner: 2186	)	Reg. No. 47,970

STATEMENT OF FACTS UNDER 37 C.F.R. §1.47(a)

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Statement is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration by the non-signing inventor for the above-identified application. This Statement is made by the available person having first-hand knowledge of the facts relied upon herein.

1. The non-signing inventor, Mauricio J. Serrano, was formerly employed by Intel Corporation ("Intel"), the Assignee of the above-referenced application.
2. While an employee of Intel, Mauricio J. Serrano jointly invented the subject matter of the above-referenced application.
3. On May 15, 2003, Mauricio J. Serrano submitted an invention disclosure form to in-house patent counsel for Intel listing himself, along with Sreenivas Subramoney, Richard Hudson and Ali-Reza Adl-Tabatabai as joint inventors of the subject matter of the above-referenced application. (See Exhibit A, with redacted pages).

4. On December 23, 2003 and May 20, 2004, a copy of a Declaration and an Assignment were forwarded to Richard Hudson and Sreenivas Subramoney at Intel. (See Exhibit B).

5. On July 7, 2004, joint inventor Richard Hudson executed both the Declaration and Assignment forwarded on May 20, 2004. (See Exhibits C and D).

6. On May 25, 2004, joint inventor Sreenivas Subramoney executed both the Declaration and Assignment forwarded on May 20, 2004. (See Exhibits C and D).

7. On July 7, 2004, joint inventor Ali-Reza Adl-Tabatabai executed both the Declaration and Assignment forwarded on May 20, 2004. (See Exhibits C and D)

8. After learning that Mr. Serreno was no longer at his last listed address, 1082 Delno Street, San Jose California, 95126, and after obtaining his current email address, on August 2, 2004 and again on August 20, 2004, applicants' representative sent an email requesting that Mr. Serrano contact him. Mr. Serrano did not respond.

9. Applicants' representative called Mr. Serrano on September 2, 2004 to request his execution of the Declaration and Assignment.

10. On September 2, 2004, the applicants' representative forwarded the Declaration and Assignment to Mauricio Serrano at his current e-mail address. (See Exhibit E).

11. The applicants' representative called Mr. Serrano again today (September 3, 2004) to request his execution of the Declaration and Assignment. Mr. Serrano refused to discuss the matter and did not sign the Declaration and Assignment forwarded to him.

12. As of the undersigned date, Mr. Serrano has not signed the Declaration and Assignment.

13. On December 31, 2003, the above-referenced application was filed with the U.S. Patent and Trademark Office under Serial No. 10/749,425 listing Sreenivas Subramoney, Richard Hudson, Mauricio Serrano and Ali-Reza Adl-Tabatabai as joint inventors.

14. On May 3, 2004, the U.S. Patent and Trademark Office issued a Notice to File Missing Parts of Non-Provisional Application indicating that an inventor declaration had not yet been submitted. (See Exhibit F).

15. I believe a diligent effort has been made to obtain Mr. Serrano's signature on a declaration for the patent application.

16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Accordingly, the undersigned is filing this Petition and signing on behalf of the Assignee to protect the interest of the parties and avoid irreparable damage thereto. Pursuant to M.P.E.P. § 409.03(b), second paragraph, as patent counsel for the Assignee, the undersigned is hereby authorized to sign on behalf of the Assignee and accordingly does so with this Petition.

Dated: September 3, 2004

Respectfully submitted,

By 

Paul B. Stephens

Registration No.: 47,970

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive

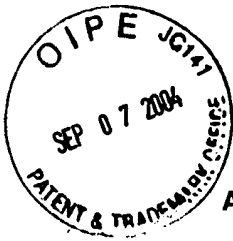
6300 Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicants

A



INTEL INVENTION DISCLOSURE
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION
located at <http://legal.intel.com>

31541

DATE: 5-15-03

It is important to provide accurate and d
for possible filing as a patent application

SOFTWARE/EPG/MRL/PSL

Information will be used to evaluate your invention

return this form to the **Legal Department at JF3-147**. You can submit electronically via e-mail to "invention disclosure submission" if all of the information is electronic, including drawings and supervisor approval. If you have any questions, please call 264-0444.

Inventor: Subramoney Sreenivas
Last Name First Name Middle Initial
Phone (408) 653-8651 M/S: sc12-303 Fax # _____
Citizenship: India WWID: 10538721 Contractor: YES _____ NO X
Inventor E-Mail Address: Sreenivas.Subramoney@intel.com
Home Address: 741 Layne Ct
City Palo Alto State CA Zip 94306 Country USA
*Corporate Level Group (e.g. IAG, ICG, NBG) EPG Division MRL Subdivision PSL
Supervisor* Weldon Washburn WWID 10046679 Phone 408 765 4823 M/S: sc12-303

Inventor: Hudson Richard
Last Name First Name Middle Initial
Phone (413) 584 - 4293 M/S: sc12-303 Fax # _____
Citizenship: USA WWID: 10591558 Contractor: YES _____ NO X
Inventor E-Mail Address: Rick.Hudson@intel.com
Home Address: . 393 Riverside Dr.
City Florence State MA Zip 01062 Country USA
*Corporate Level Group (e.g. IAG, ICG, NBG) IAG Division MRL Subdivision _____
Supervisor* _ Weldon Washburn WWID 10046679 Phone 408 765 4823 M/S: sc12-303

Inventor: Serrano Mauricio J.
Last Name First Name Middle Initial
Phone 408-653-9105 M/S: sc12-303 Fax # 408-653-8511
Citizenship: Colombia WWID: 10653571 Contractor: YES _____ NO X
Inventor E-Mail Address: Mauricio.j.Serrano@intel.com
Home Address: .1082 Delno St
City San Jose State CA Zip 95126 Country USA
*Corporate Level Group (e.g. IAG, ICG, NBG) EPG Division MRL Subdivision PSL
Supervisor* Ali-Reza Adl-Tabatabai WWID 10510549 Phone 408-765-4334 M/S: sc12-303

Inventor

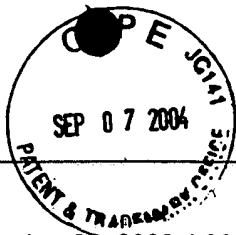
Last Name: Adl-Tabatabai	First Name: Ali-Reza	M.I.
Intel Phone Number: 408-765-4334	Intel Fax Number: (408) 653-8511	Mailstop: SC12-303
E-mail address ali-reza.adl-tabatabai@intel.com		WWID: 10510549
Citizenship: USA	Are you a contractor?	Yes: No: X
Home Address: 2125 Quinn Ave.		
City: Santa Clara	State: CA	Zip: 95051
Country: USA		
Corporate Level Group: EPG	Division: MRL	Subdivision: PSL
Supervisor: Jesse Fang	WWID: 10078117	M/S: SC12-303
Phone #: 408-765-5871		

(PROVIDE SAME INFORMATION AS ABOVE FOR EACH ADDITIONAL INVENTOR)

2. Title of Invention: Delinquent Regions - Novel and dynamic approach to improving application memory performance using performance monitoring hardware in a garbage-collected managed runtime environment

REDACTED

REDACTED



Paul Stephens

From: Paul Stephens
Sent: Tuesday, December 23, 2003 4:38 PM
To: Subramoney, Sreenivas; 'Hudson, Rick'
Subject: FW: Assignment & Declaration for 17231

Rick,

Sree,

Can you two coordinate the signing of the attached assignment and declaration? I will file the case early next week, but can file it without these signed documents, as the application has already been approved. The signed documents may be filed after the application is filed.

If you have any questions, please contact me.

Thank you again for your guidance and help.

Happy Holidays,

Paul

9/2/2004

Paul Stephens

From: Paul Stephens
Sent: Thursday, May 20, 2004 12:30 PM
To: Subramoney, Sreenivas
Subject: FW: P17231

Sree,

Please have all the inventors sign the attached documents, assignment and declaration. And return the signed originals to me for filing with the patent office. I would like to have this done in the next two weeks, if possible.

If you have any questions, please feel free to call (312.474.6300).

Regards,

Paul

REDACTED

REDACTED

-----Original Message-----

From: Paul Stephens [mailto:pstephens@marshallip.com]

Sent: Tuesday, May 11, 2004 2:39 AM

To: Subramoney, Sreenivas

Cc: Hudson, Rick

Subject: P17231

Sree,

Did I send you a declaration and assignment for execution by the inventors? If so, I do not recall receiving the signed documents. We have received a notice from the patent office indicating that the documents are due and I would like to get them filed within the next few weeks, if possible.

Please let me know if you would like another electronic copy of the declaration and assignment, or if I did not send you copies in the first instance.

I hope all is well on your end.

Warmest regards,

Paul

Paul B. Stephens
Marshall, Gerstein & Borun LLP
233 South Wacker Dr.
6300 Sears Tower
Chicago, IL 60606-6402
(312) 474 - 6300 Main
(312) 474 - 0448 Fax
pstephens@marshallip.com

www.marshallip.com

9/2/2004

C



Atty. Docket No: 30320/17231

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "DYNAMIC PERFORMANCE MONITORING-BASED APPROACH TO MEMORY MANAGEMENT," the specification of which was filed on **December 31, 2003** as Application Serial No. **10/749,425**. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Priority Claimed

_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial Number)	(Day/Month/Year Filed)
_____	_____
(Application Serial Number)	(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

_____	_____	_____
(Application Serial Number)	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandoned)
_____	_____	_____
(Application Serial Number)	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I hereby appoint as my patent attorneys and patent agents, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

John B. Lungmus (18,566)	Thomas I. Ross (29,275)	Roger A. Heppermann	Bryan J. Lempia (39,746)
Allen H. Gerstein (22,218)	Kevin D. Hogg (31,839)	(37,641)	David C. Read (39,811)
Nate F. Scarpelli (22,320)	Jeffrey S. Sharp (31,879)	David A. Gass (38,153)	Thomas A. Miller (40,091)
Michael F. Borun (25,447)	Martin J. Hirsch (32,237)	Gregory C. Mayer (38,238)	William K. Merkel (40,725)
Carl E. Moore, Jr. (26,487)	Richard M. La Barge (32,254)	Michael R. Weiner (38,359)	Scott E. Baxendale (41,605)
Richard H. Anderson (26,526)	James J. Napoli (32,361)	Joseph A. Williams, Jr.	Brent E. Matthias (41,974)
Patrick D. Ertel (26,877)	Robert M. Gerstein (34,824)	(38,659)	Sandip H. Patel (43,848)
Richard B. Hoffman (26,910)	Michael R. Hull (35,902)	Paul C. Craane (38,851)	Kevin M. Flowers (44,684)
James P. Zeller (28,491)	Anthony G. Sitko (36,278)		William J. Kramer (46,229)

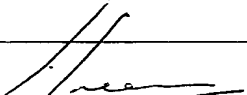
of MARSHALL GERSTEIN & BORUN LLP, with offices located at 233 South Wacker Drive, 6300 Sears Tower, Chicago, Illinois 60606-6357, telephone (312) 474-6300; and

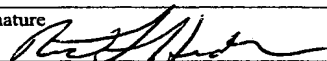
Alan K. Aldous	31,905	Bradley Greenwald	34,341	Russell Scott	43,103
Rob D. Anderson	33,826	Libby Hope	46,774	Kenneth M. Seddon	43,105
Shireen I. Bacon	40,494	Jeffrey B. Huter	50,672	Mark Seeley	32,299
Michael Barre	44,023	Seth Z. Kalson	40,670	Ami P. Shah	42,143
Jay P. Beale	50,901	Peter Lam	44,855	David Simon	32,756
R. Edward Brake	37,784	Issac Lin	50,672	Steven P. Skabrat	36,279
Ben Burge	42,372	Alan Pedersen-Giles	39,996	Paul E. Steiner	41,326
Robert Chang	48,765	Anthony Martinez	44,223	Joni D. Stutman-Horn	42,173
George Chen	50,807	Molly McCall	46,126	David Tran	50,804
Glen B. Choi	43,546	Larry Mennemeier	51,003	John F. Travis	43,203
Kenneth Cool	40,570	Paul Nagy	37,896	Robert Wawrzyn	54,654
Ted A. Crawford	50,610	Michael J. Nesheiwat	47,819	Calvin E. Wells	43,256
Robert Diehl	40,992	Dennis A. Nicholls	42,036	Stuart Whittington	45,215
Jeffrey S. Draeger	41,000	Lanny Parker	44,281	Michael Willardson	50,856
Cynthia T. Fraatz	39,973	Michael D. Plimier	43,004	Robert Winkle	37,474
Christopher Gagne	36,142	Michael Proksch	43,021	Rita Wisor	41,382
Sharmini N. Green	41,410	Kevin A. Reif	36,381	Sharon Wong	37,760
Robert Greenberg	44,133	Crystal D. Sayles	44,318	Steven D. Yates	42,242

of INTEL CORPORATION, with offices located at 2200 Mission College Blvd., Santa Clara, CA 95052, telephone (408)765-8080.

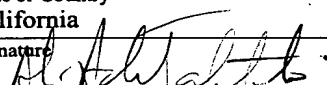
Send correspondence to: Paul B. Stephens

FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
Marshall, Gerstein & Borun LLP	312-474-6300	6300 Sears Tower 233 South Wacker Drive	Chicago, Illinois	60606-6357

Full Name of First or Sole Inventor Sreenivas Subramoney	Citizenship India
Residence Address 741 Layne Ct.	Post Office Address 741 Layne Ct.
City (Zip) Palo Alto, 94306	City (Zip) Palo Alto, 94306
State or Country California	State or Country California
Date <input checked="" type="checkbox"/> 5/25/04	Signature <input checked="" type="checkbox"/> 

Second Joint Inventor Richard Hudson	Citizenship United States of America
Residence Address - Street 393 Riverside Drive	Post Office Address - Street 393 Riverside Drive
City (Zip) Florence, 01062	City (Zip) Florence, 01062
State or Country Massachusetts	State or Country Massachusetts
Date <input checked="" type="checkbox"/> 7/7/04	Signature <input checked="" type="checkbox"/> 

Third Joint Inventor Mauricio Serrano	Citizenship Colombia
Residence Address - Street 1082 Delno Street	Post Office Address - Street 1082 Delno Street
City (Zip) San Jose, 95126	City (Zip) San Jose, 95126
State or Country California	State or Country California
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Fourth Joint Inventor Ali-Reza Adl-Tabatabai	Citizenship United States of America
Residence Address - Street 2125 Quinn Avenue	Post Office Address - Street 2125 Quinn Avenue
City (Zip) Santa Clara, 95051	City (Zip) Santa Clara, 95051
State or Country California	State or Country California
Date <input checked="" type="checkbox"/> 7/7/04	Signature <input checked="" type="checkbox"/> 

APPLICABLE RULES AND STATUTES

37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

ASSIGNMENT

Serial No: 10/749,425

Filed: December 31, 2003

Title: DYNAMIC PERFORMANCE MONITORING-BASED APPROACH TO MEMORY
MANAGEMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby assigns to Intel Corporation, a Delaware corporation, 2200 Mission College Blvd., Santa Clara, California 95052, (hereinafter "assignee"), its successors and assigns, the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, executed by the undersigned on May 25, 2004, July 7, 2004, _____, July 7, 2004, and in said application and any and all other applications, both United States and foreign, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States and foreign countries, which may be obtained on any of said applications, and in any reissue or extension thereof.

The undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee.

The undersigned hereby authorizes and requests the attorneys of record in said application to insert in this assignment the execution date and/or filing date and serial number of said application when officially known.

The undersigned warrants himself to be the owner of the interest herein assigned and to have the right to make this assignment and further warrants that there are no outstanding prior assignments, licenses, or other rights in the interest herein assigned.

For said consideration the undersigned hereby agrees, upon the request and at the expense of said assignee, its successors and assigns, to execute any and all divisional, continuation, continuation-in-part and substitute applications for said invention or improvements, and any necessary oath or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and any and all applications and other documents for Letters Patent in foreign countries on said invention or improvements, that said assignee, its successors or assigns, may deem necessary or expedient, and for said consideration the undersigned further agrees upon the request of said assignee, its successors or assigns, in the event of any application or Letters Patent assigned herein becoming involved in Interference, to cooperate to the best of the ability of the


undersigned with said assignee, its successors or assigns, in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, the undersigned hereby agreeing to perform, upon request, any and all affirmative acts to obtain said Letters Patent, both United States and foreign, and vest all rights therein hereby conveyed in said assignee, its successors and assigns, whereby said Letters Patent will be held and enjoyed by said assignee, its successors and assigns, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

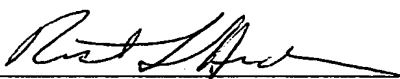
5/25/04
Date

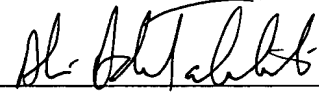
7/7/04
Date

Date

7/7/04
Date


Sreenivas Subramoney


Richard Hudson

Mauricio Serrano

Ali-Reza Adl-Tabatabai

E



Paul Stephens

From: Paul Stephens
Sent: Thursday, September 02, 2004 4:52 PM
To: 'mserrano@us.ibm.com'
Cc: 'Richard Hudson (rick.hudson@intel.com)'
Subject: 17231 Signature Documents

Mauricio,

Here are the documents for your signature. Please sign them and fax them to me at 312.474.0448. I would like the faxed copies today or tomorrow, which is the last day to file these documents and avoid further escalation in filing costs.

Per your request, I will call you tomorrow to discuss, or if you would like call me. I'm at 312.474.6626.

Best regards,

Paul

9/3/2004

F



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/749,425	12/31/2003	Sreevinas Subramoney	30320/17231

04743
 MARSHALL, GERSTEIN & BORUN LLP
 6300 SEARS TOWER
 233 S. WACKER DRIVE
 CHICAGO, IL 60606

CONFIRMATION NO. 9579

FORMALITIES LETTER



OC000000012507484

Date Mailed: 05/03/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Docketed: 7/3/04*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Millenen

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY